

IN THE CLAIMS:

1. (Currently amended) An apparatus for guiding a fastener that fastens a first vertebral bone portion with a second vertebral bone portion, comprising:

- a first member having a first ~~first~~ guide adapted to contact the first vertebral bone portion;
- a second member having a second guide aligned with said first guide and adapted to contact the second vertebral bone portion; and
- a clamping mechanism provided between said first and second members to clamp said first guide to said first bone portion and said second guide to said second bone portion, wherein said first guide and said second guide are aligned to indicate fastener alignment.

2. (Original) The apparatus of claim 1, wherein one of said first and second members includes a handle receiving member and a handle removably coupled to said handle receiving member.

Claim 3 (Canceled).

4. (Original) The apparatus of claim 1, further comprising a locking mechanism to lock relative position between said first and second members.

Claim 5 (Canceled).

6. (Original) The apparatus of claim 1, wherein said first guide is adapted to receive a guide tube.

Claims 7-12 (Canceled).

13. (Original) The apparatus of claim 1, further comprising a handle provided on one of said first and second members.

Office Action Response
Ser. No. 10/748,120
Atty Docket No. 4002-3465
Page 2 of 7

14. (Original) The apparatus of claim 1, further comprising a handle provided on said first member and a locking mechanism provided on said first member.

Claim 15 (Canceled).

16. (Original) The apparatus of claim 1, wherein said first guide has a semi-cylindrical shape.

17. (Original) The apparatus of claim 1, further comprising a guide tube coupled to said second guide.

18. (Original) The apparatus of claim 17, further comprising a trocar provided in said guide tube.

19. (Original) The apparatus of claim 17, further comprising an awl provided in said guide tube for cutting bone.

20. (Original) The apparatus of claim 17, further comprising a drill bit provided in said guide tube.

21. (Original) The apparatus of claim 20, wherein said drill bit includes depth indicators provided thereon.

22. (Original) The apparatus of claim 17, further comprising a screw driver provided in said guide tube.

23. (Original) The apparatus of claim 22, wherein said screw driver has a self-retaining screw head.

Office Action Response
Ser. No. 10/748,120
Atty Docket No. 4002-3465
Page 3 of 7

24. (Original) The apparatus of claim 22, wherein said screw driver has a hexagonal head.

25. (Original) The apparatus of claim 17, further comprising a tap provided in said guide tube.

26. (Original) The apparatus of claim 1, wherein said clamping mechanism clamps the first vertebral bone portion and the second vertebral bone portion together.

27. (Original) The apparatus of claim 1, wherein said clamping mechanism accommodates varying anatomy.

Claims 28-37 (Canceled)

38. (New) The apparatus of claim 1, wherein said first guide is arcuate.

39. (New) The apparatus of claim 1, wherein said second guide defines an axis along which the fastener is positioned and said first guide is offset from said axis.

40. (New) The apparatus of claim 1, wherein first member includes an elongated support arm supporting said first guide at one end thereof and said second member includes an elongated support arm supporting said second guide at one end thereof, said first and second support arms extending parallel to another.

41. (New) An apparatus for guiding a fastener that fastens a first vertebral bone portion with a second vertebral bone portion, comprising:

a first member having first guide adapted to contact the first vertebral bone portion;

a second member having a second guide aligned with the first guide and adapted to contact the second vertebral bone portion;

a clamping mechanism provided between said first and second members to clamp said first guide to said first bone portion and said second guide to said second bone portion, wherein:

said first guide and said second guide are aligned to indicate fastener alignment; and

said second guide defines an axis along which the fastener is positioned and said first guide is offset from said axis.

42. (New) The apparatus of claim 41, wherein one of said first and second members includes a handle receiving member and a handle removably coupled to said handle receiving member.

43. (New) The apparatus of claim 41, further comprising a locking mechanism to lock relative position between said first and second members.

44. (New) The apparatus of claim 41, wherein said first guide is adapted to receive a guide tube.

45. (New) The apparatus of claim 41, further comprising a handle provided on one of said first and second members.

46. (New) The apparatus of claim 41, further comprising a handle provided on said first member and a locking mechanism provided on said first member.

47. (New) The apparatus of claim 41, wherein said first guide has a semi-cylindrical shape.